

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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David W. Lynas, as Trustee for the next-of kin of  
James C. Lynas,

Civ. No. 18-2301 (JRT/KMM)

Plaintiff,

v.

Linda S. Stang, *et al.*,

Defendants.

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**DECLARATION OF ROBERT BENNETT  
IN SUPPORT OF PLAINTIFF'S OPPOSITION  
TO DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT**

I, Robert Bennett, depose and state as follows:

1. My name is Robert Bennett and I am the lead attorney representing Plaintiff David W. Lynas in the above-captioned matter.

2. Attached hereto as Exhibit 1 is a true and correct copy of the Sherburne County Jail Manual Policy 6.08 ("Jail Policy 6.08.")

3. Attached hereto as Exhibit 2 is a true and correct copy of the Sherburne County Jail Manual Policy 14.01. ("Jail Policy 14.01.")

4. Policy 14.01 notes that it consists of 7 total pages, however, only 6 were produced.

5. Attached hereto as Exhibit 3 is a true and correct copy of the Sherburne County Jail Manual Policy 25.02 ("Jail Policy 25.02.")

6. Attached hereto as Exhibit 4 is a true and correct copy of the Deposition of Sherburne County Sheriff Joel Brott (“Brott Deposition.”)

7. Attached hereto as Exhibit 5 is a true and correct copy of the Deposition of Alyssa Pfeifer (“Pfeifer Deposition.”)

8. Attached hereto as Exhibit 6 is a true and correct copy of the December 10, 2018 email from Dr. Michael Robertson (“Robertson Email.”)

9. Attached hereto as Exhibit 7 is a true and correct copy of the Deposition of Michael Robertson (“Robertson Deposition.”)

10. Attached hereto as Exhibit 8 is a true and correct copy of the U.S. Department of Homeland Security Office of Detention Oversight Quality Assurance Review (“Homeland Security Review.”)

11. Attached hereto as Exhibit 9 is a true and correct copy of the First Deposition of Brian Frank (“Frank Deposition.”)

12. Attached hereto as Exhibit 10 is a true and correct copy of the Second Brian Frank Deposition (“Frank Deposition Vol. II.”)

13. Attached hereto as Exhibit 11 is a true and correct copy of the Special Precautions/Management Form for James Lynas.

14. Attached hereto as Exhibit 12 is a true and correct copy of the Dr. Thomas Fowlkes Report (“Fowlkes Report.”)

15. Attached hereto as Exhibit 13 is a true and correct copy of the Second Deposition of Michael Wise (“Wise Deposition Vol. II.”)

16. Attached hereto as Exhibit 14 is a true and correct copy of the Second Deposition of Linda Stang (“Stang Deposition Vol. II.”)
17. Attached hereto as Exhibit 15 is a true and correct copy of the First Deposition of Michael Wise (“Wise Deposition Vol. I.”)
18. Attached hereto as Exhibit 16 is a true and correct copy of the Deposition of Patrick Carr (“Carr Deposition.”)
19. Attached hereto as Exhibit 17 is a true and correct copy of the Sherburne County Inspection Report by the Minnesota Department of Corrections (“MN DOC Inspection Report.”)
20. Attached hereto as Exhibit 18 is a true and correct copy of the pertinent documents from ProPhoenix, including those Bates Labeled Sherburne 1082-1092 and 2575-2603 (“ProPhoenix.”)
21. Attached hereto as Exhibit 19 is a true and correct copy of the Report of Lindsay Hayes (“Hayes Rpt.”)
22. Attached hereto as Exhibit 20 is a true and correct copy of the 2014 Contract between Sherburne County and MEnD Correctional Care (“Contract.”)
23. Attached hereto as Exhibit 21 is a true and correct copy of the August 2014 Request for Board Action (“Approval by Board.”)
24. Attached hereto as Exhibit 22 is a true and correct copy of the MEnD Defendants’ Supplemental Answers to Plaintiff’s Interrogatories.

25. Attached hereto as Exhibit 23 is a true and correct copy of the MEnD Correctional Care Press Release – “Now Serving 37 County Facilities in MN, WI and IA” (“Press Release.”)
26. Attached hereto as Exhibit 24 is a true and correct copy of the MEnD 30(b)(6) Designee Deposition – Defendant Todd Leonard (“30(b)(6) Deposition.”)
27. Attached hereto as Exhibit 25 is a true and correct copy of the Deposition of Todd Leonard (“Leonard Deposition.”)
28. Attached hereto as Exhibit 26 is a true and correct copy of the Duluth News Tribune Article – The Doctor is in Jail (“Duluth Article.”)
29. Attached hereto as Exhibit 27 is a true and correct copy of the Deposition of Andrea Kretsch (“Kretsch Deposition.”)
30. Attached hereto as Exhibit 28 is a true and correct copy of the Deposition of Jennie Thompson (“Thompson Deposition.”)
31. Attached hereto as Exhibit 29 is a true and correct copy of the Deposition of Crystal Waagmeester (“Waagmeester Deposition.”)
32. Attached hereto as Exhibit 30 is a true and correct copy of the 2017 MEnD Correctional Care, PLLC Profit & Loss.
33. Attached hereto as Exhibit 31 is a true and correct copy of the Rebuttal Report of Ronald Groat, M.D. (“Rebuttal.”)
34. Attached hereto as Exhibit 32 is a true and correct copy of the July Chemical Withdrawal Questionnaire for James Lynas.

35. Attached hereto as Exhibit 33 is a true and correct copy of select Anoka Jail Records for James Lynas.
36. Attached hereto as Exhibit 34 is a true and correct copy of the November CMS Medical Report for James Lynas (“CMS Medical Report.”)
37. Attached hereto as Exhibit 35 is a true and correct copy of the Jail Medical Screening Form for James Lynas (“Medical Screening.”)
38. Attached hereto as Exhibit 36 is a true and correct copy of the Deposition of Refugio Leandro (“Leandro Deposition.”)
39. Attached hereto as Exhibit 37 is a true and correct copy of the November Chemical Withdrawal Questionnaire for James Lynas.
40. Attached hereto as Exhibit 38 is a true and correct copy of the November Chemical Withdrawal Flow Sheet for James Lynas (“Chemical Withdrawal Flow Sheet.”)
41. Attached hereto as Exhibit 39 is a true and correct copy of the Initial Health Assessment for James Lynas (“Initial Health Assessment.”)
42. Attached hereto as Exhibit 40 is a true and correct copy of the November Suicide Risk Screening Forms for James Lynas (“Suicide Risk Screening Forms.”)
43. Attached hereto as Exhibit 41 is a true and correct copy of the Report of Ronald Groat, M.D. (“Groat Rpt.”)
44. Attached hereto as Exhibit 42 is a true and correct copy of the electronic medical records for James Lynas (“EMDs.”)
45. Attached hereto as Exhibit 43 is a true and correct copy of the Beck Depression Inventory for James Lynas.

46. Attached hereto as Exhibit 44 is a true and correct copy of the Beck Depression Inventory Scoring Scale.
47. Attached hereto as Exhibit 45 is a true and correct copy of the MEnD Mental Health Referral for James Lynas (“Mental Health Referral.”)
48. Attached hereto as Exhibit 46 is a true and correct copy of the First Deposition of Linda Stang (“Stang Deposition Vol. I.”)
49. Attached hereto as Exhibit 47 is a true and correct copy of the Sherburne County Incident Report regarding James Lynas’s suicide (“Incident Report.”)
50. Attached hereto as Exhibit 48 is a true and correct copy of the Statement of Linda Stang (“Stang Statement.”)
51. Attached hereto as Exhibit 49 is a true and correct copy of the Statement of Michael Wise (“Wise Statement.”)
52. Attached hereto as Exhibit 50 is a true and correct copy of select medical records from Mercy Hospital for James Lynas, including the Trauma Team Activation Record, the PreHospital Care Note and the Discharge Summary (“Select Medical Records.”)
53. Attached hereto as Exhibit 51 is a true and correct copy of the pertinent portion of the US Marshal Detention Facility Review for Sherburne County (“US Marshal Review.”)
54. Attached hereto as Exhibit 52 is a true and correct copy of select portions of the 2017 ICE Uniform Corrective Action Plan.
55. Attached hereto as Exhibit 53 is a true and correct copy of the Suicide Status Form – Deposition Exhibit 70.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 27, 2020.

s/Robert Bennett  
Robert Bennett